

Outline of Significant Proposed Substantive Amendments to Title 7 from Revision
Bill Draft

Section 2

7 V.S.A. § 2. DEFINITIONS

- 7 V.S.A. § 2(19), definition of “keg” proposed for amendment to reflect increasing use of vinous beverage kegs and tap systems and to bring the Vermont statutes in line with the Liquor Control Board’s rules for the refillable container program, which includes both malt and vinous beverages.
- 7 V.S.A. § 2(22), definition of “malt beverages” proposed for amendment to reflect Department’s existing practice of not requiring certification of terminal specific gravity if a malt beverage’s alcohol content is more than six percent.
- 7 V.S.A. § 2 (36), definition of “spirits” proposed for amendment to reflect Department’s existing practice of not requiring certification of terminal specific gravity if a malt beverage’s alcohol content is more than six percent.

Section 6

7 V.S.A. § 61. RESTRICTIONS; EXCEPTIONS

- 7 V.S.A. § 61(b)(1), proposes repeal of exception for sales of cider in 32 gallon or larger barrel as obsolete because the Department is not aware of an instance in which the exception was utilized.

Section 8

7 V.S.A. § 63. IMPORTATION OR TRANSPORTATION OF ALCOHOL;
PROHIBITIONS; PERSONAL IMPORT LIMIT; PENALTY

- 7 V.S.A. § 63(a)(2), proposes adding requirement that spirits or fortified wines brought into Vermont under the personal import exception may not be for resale in order to make this provision consistent with the analogous wine and beer provision and to conform to existing practice.

Section 9

7 V.S.A. § 64. SALE OF MALT BEVERAGES IN KEGS

- 7 V.S.A. § 64(a)(1), proposes to add manufacturers with a second-class license for their manufacturing premises to the labeling requirement to conform to existing practice.
- 7 V.S.A. § 64(a)(2), proposes to amend identification requirements for uniformity.

Section 13

7 V.S.A. § 107. DUTIES OF COMMISSIONER OF LIQUOR CONTROL

- 7 V.S.A. § 107(5), proposes to amend purchasing provision to reflect the Board and Commissioner’s existing practice of purchasing spirits and fortified wines directly rather than through the Department of Buildings and General Services pursuant to 29 V.S.A. § 902.

7 V.S.A. § 110. SPECIAL BRANDS; PURCHASE BY COMMISSIONER OF LIQUOR CONTROL

- Proposes amendment of special ordering provision to reflect the Board and Commissioner’s existing practice of purchasing spirits and fortified wines directly rather than through the Department of Buildings and General Services pursuant to 29 V.S.A. § 902.

Section 19

7 V.S.A. § 111. VINOUS BEVERAGES MANUFACTURED IN VERMONT

- Proposes repeal of section as obsolete because the Vermont Seal of Quality program has been discontinued.

Section 20

7 V.S.A. § 201. LICENSES CONTINGENT ON TOWN VOTE

- Proposes repeal of open air and wayside dancing pavilions language as obsolete.

Section 24

7 V.S.A. § 205. TERMS OF PERMITS, LICENSES, AND CERTIFICATES

- 7 V.S.A. § 205(b) proposed for amendment to reflect the current license renewal practice.

Section 25

7 V.S.A. § 206. DISPOSAL OF FEES

- Proposed for amendment to address potential conflict with provisions of 7 V.S.A. § 204(b).

Section 37

7 V.S.A. § 224. FOURTH-CLASS LICENSE

- 7 V.S.A. § 224(a), proposed addition of new subsection to reflect existing licensing procedure.

Section 38

7 V.S.A. § 251. EDUCATIONAL SAMPLING EVENT PERMIT

- 7 V.S.A. § 251(d)(2)(B), proposed amendment for consistency with sample size limits in other tasting provisions.
- 7 V.S.A. § 251(f)(1)(B), proposed addition of subdivision for consistency with existing tax rates for retail sales of specialty malt beverages pursuant to 7 V.S.A. § 421.

Section 43

7 V.S.A. § 258. PROMOTIONAL RAILROAD TASTING PERMIT

- Proposes deletion of Vermont produced beverages requirement for tastings to avoid potential conflict with Commerce Clause.

Section 44

7 V.S.A. § 227. OUTSIDE CONSUMPTION PERMITS; FIRST-, THIRD-, AND FOURTH-CLASS LICENSEES

- Proposed deletion of limitation on issuing permits to first- and first- and third-class licensees for the outside premises of a golf course to reflect current permitting practices.

Section 46

7 V.S.A. § 229. NUMBER OF LICENSES ALLOWED

- Proposes repeal of section as obsolete in light of the Board’s practice of granting multiple licenses.

Section 52

7 V.S.A. § 255. RETAIL ALCOHOLIC BEVERAGE TASTING PERMITS

- 7 V.S.A. § 255(c), proposed amendment to requirements for tasting events to include tastings conducted by a wholesale dealer to reflect current practice.

Section 75

7 V.S.A. § 504. ACTION FOUNDED ON TORT; CERTIFIED EXECUTION

- Proposed for repeal as obsolete because close jail execution for an action founded on tort, which was provided for under former 12 V.S.A. § 3624, was abolished pursuant to 1979 Act No. 67, § 9. Under current law, 12 V.S.A. § 3521 provides that “no person may be imprisoned on an execution . . . to enforce a judgment in any civil action for money damages.”

Section 86

7 V.S.A. § 569. EXECUTION FOR COSTS

- Proposes repeal of language relating to execution “against the body” as well as the final sentence as obsolete because the chapter providing for close jail executions was repealed pursuant to 1979, Act. No. 67, § 9.

Section 91

7 V.S.A. § 574. REOPENING OF FORFEITURE PROCEEDING

- Proposes amendment of mandatory bond requirement to avoid potential conflict with Constitutional Due Process and Equal Protection requirements. *See Boddie v. Connecticut*, 401 U.S. 371, 380–383 (1971).

Section 92

7 V.S.A. § 575. CLAIM BY OWNER, KEEPER, OR POSSESSOR FOR SEIZED GOODS OR APPARATUS; BOND

- Proposes amendment of mandatory bond requirement to avoid potential conflict with Constitutional Due Process and Equal Protection requirements. *See Boddie v. Connecticut*, 401 U.S. 371, 380–383 (1971).

Section 93

7 V.S.A. § 576. APPEAL; BOND

- Proposes amendment of mandatory bond requirement to avoid potential conflict with Constitutional Due Process and Equal Protection requirements. *See Boddie v. Connecticut*, 401 U.S. 371, 380–383 (1971).

Section 101

7 V.S.A. § 586. NOTICE TO FEDERAL GOVERNMENT

- Proposes repeal of section as obsolete because the federal Special (Occupational) Tax on Alcohol Occupations was repealed in 2005 by P.L. 109-59, § 11125 (took effect in 2008).

Section 103

7 V.S.A. § 585. ALCOHOL DEALER REGISTRATION AS EVIDENCE

- Proposes amendment of section to reflect current federal registration requirements following the repeal of the federal Special (Occupational) Tax on Alcohol Occupations.

Section 105

7 V.S.A. § 598. FORM OF NOTICE TO FEDERAL GOVERNMENT

- Proposes repeal of section as obsolete because the federal Special (Occupational) Tax on Alcohol Occupations was repealed in 2005 by P.L. 109-59, § 11125 (took effect in 2008).

Section 115

7 V.S.A. § 665. PRESCRIPTIONS FOR OTHER THAN MEDICAL USE

- Proposes repeal of section as obsolete.

Section 116

7 V.S.A. § 660. ADVERTISING

- Proposes amendment of section to reflect existing practice of advertising alcoholic beverages on motor vehicles making deliveries within the State.

Section 118

7 V.S.A. § 662. LIMIT OF SENTENCE

- Proposes repeal of provision referencing imprisonment for failure to pay a fine or costs as obsolete because statutes permitting close jail execution were repealed pursuant to 1979, No. 67, § 9.

Section 129

- Proposes repeal of 7 V.S.A. chapter 25 (rathskellars) as obsolete because its provisions are not currently utilized.

Section 130

7 V.S.A. § 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

- 7 V.S.A. § 1002(a)(1), proposes repeal of vending machine language because tobacco vending machines are prohibited under 7 V.S.A. § 1003.

Section 132

7 V.S.A. § 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
TOBACCO PARAPHERNALIA; REQUIREMENTS; PROHIBITIONS

- 7 V.S.A. § 1003(b) and (c) are proposed for amendment and consolidation to reflect changes to federal law, which permits states to adopt more stringent laws relating to the sale of tobacco under 21 U.S.C. § 387p.

Section 133

7 V.S.A. § 1004. PROOF OF AGE FOR THE SALE OF TOBACCO PRODUCTS;
TOBACCO SUBSTITUTES; TOBACCO PARAPHERNALIA

- 7 V.S.A. § 1004(b) is proposed for amendment for uniformity with other identification requirements.

Section 147

18 V.S.A. § 4254. IMMUNITY FROM LIABILITY

- Section is proposed for amendment generally to reflect repeal of 7 V.S.A. § 657 by 2015 (Adj. Sess.), No. 147, § 7.

Section 149

20 V.S.A. § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

- 20 V.S.A. § 2358(b)(2)(B)(i)(I) is proposed for repeal to reflect repeal of 7 V.S.A. § 657 by 2015 (Adj. Sess.), No. 147, § 7.

Section 160

33 V.S.A. § 5102. DEFINITIONS AND PROVISIONS OF GENERAL APPLICATION

- 33 V.S.A. § 5102(9) is proposed for amendment to reflect repeal of 7 V.S.A. § 657 by 2015 (Adj. Sess.), No. 147, § 7.